IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3562 of 1998

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJARAT & 1 - Petitioner(s)

Versus

PATEL NILESHKUMAR DHIRUBHAI - Respondent(s)

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Appearance :
MRS. HANSA PUNANI for Petitioner No(s).: 1,2.

MR MUKESH H RATHOD for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 08/08/2005

ORAL JUDGMENT

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1. The petitioner State has challenged the award dated 27.05.1997 passed by the Labour Court, Anand in Reference

(LCA) No. 1066 of 1992, whereby the petitioner was directed to reinstate the respondent in service with full back wages.

2. Mr. Mukesh H. Rathod learned advocate for the respondent has submitted that the respondent workman has left for abroad, and therefore, the order of the Labour Court granting reinstatement in service cannot be implemented.

3. Heard learned counsel for the parties. In view of the fact that the respondent workman has settled in abroad, the award granting reinstatement in service cannot be implemented. So far as the direction with regard to the grant of full back wages is concerned, this Court is not inclined to grant the same in view of the decisions of the Apex Court in the case of Ram Ashrey Singh v. Ram Bux Singh reported in (2003) II LLJ pg. 176 and in General Manager, Haryana Roadways v. Rudhan Singh reported in JT 2005 (6) S.C. pg. 137.

4. In above view of the matter, the impugned award of the Labour Court qua directing the petitioner to reinstate the respondent cannot be implemented in view of

the subsequent development; and the order qua granting full back wages is quashed and set aside. The petition stands disposed of accordingly. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

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